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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT HADEN KING, JR.,

Plaintiff,

v.

JOE E. CAPPS, et al.,

Defendants.

Case No. CV08-6195-AA

DECLARATION OF BRENDA J.  
COUGHENNOWER

STATE OF OREGON     )  
                              ) ss.  
County of Marion     )

I, Brenda J. Coughennower, being first duly sworn on oath, depose and say:

1. On Thursday, September 25, 2008 at approximately 1:00 p.m. PST, I called Mr. Simmons' office and spoke with Kathy who explained Mr. Simmons and his assistant were away from the office at trial in Salem, Oregon. We are unable to confer with Mr. Simmons on this motion.


  
BRENDA J. COUGHENNOWER  
Paralegal

# CERTIFICATE OF SERVICE

I certify that on September 25, 2008, I served the foregoing DECLARATION OF  
BRENDA J. COUGHENNOWER upon the parties hereto by the method indicated below, and  
addressed to the following:

Charles M Simmons  
Stunz Fonda Kiyuna et al  
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Of Attorneys for Plaintiff

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